

THOUGHTS

ON THE

CONDUCT of ADMIRAL KEPPEL,

TOGETHER WITH

REASONS for RESTORING

Sir HUGH PALLISER

INTO THE FULL

CONFIDENCE and GOOD OPINION of his COUNTRY.

" Can I return into th' ingrateful bosom
" Of a distracted State, where, to the rage
" Of a vile senseless populace, the laws
" Are by your shameful weakness given a prey?
" Who are the men that hold the sway among you?
" And whom have you expelled, as even unworthy
" To live within the cincture of your walls?
" With what ye Romans, can the fourest Censor,
" The most envenom'd malice justly charge me?

THOMPSON'S CORIOLANUS.

L O N D O N:

Printed for RICHARDSON and URQUHART under the Royal
Exchange, M,DCC,LXXIX.

[Price THREE PENCE.]

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BEFORE the chief purpose of this little tract is entered upon, it may be necessary to observe, that the Court Martial held at Portsmouth upon Admiral Keppel, exhibited proofs of more flagrant and glaring partiality, than perhaps the most uncivilized or arbitrary country ever saw: To clap and hiss without controul, to brow beat and intimidate witnesses without any check from the court, must have had the most dangerous effect upon the course of Justice, and indeed must have poisoned it at the very Fountain Head.—The famous question also, framed by Admiral Montague, was artfully contrived to serve the Commander in Chief, he having good reason to believe no man of common sense would give it a direct answer in the affirmative; I mean the question put to all the witnesses, Whether they would undertake to say that *they saw the British Flag tarnished* on the 27th July? Now, if it be considered, that the legislature aware of the danger that might attend even a Judge on a Court Martial, signing his name in condemnation of a prisoner, as exposing him to the resentment of the culprit's friends, being on the most important and delicate

cate of all points, *Life and Honour*; if the legislature aware of this, has ordained that the Judges shall scratch for or against, but not sign their names, how unjust was it in Admiral Montague to expect, that any young officer rising in life, should subject himself to the resentment of such powerful connections as those of Admiral Keppel, by answering his question in the affirmative.—It was obviously of that kind, it could only be answered in favour of the Admiral, or not at all.—But the discerning part of mankind will certainly be inclined to form this construction, that he who did not chuse to give a direct answer to the question, thought in his own mind that the English Flag had been tarnished; for on all occasions, when we are asked our opinion of a person's conduct whose character, *till now*, was unimpeached, if we cannot on the present occasion speak well of him, we will be silent, which undoubtedly contains an implied censure, as the world never fails (if there is any good ground) to give praise and commendation to a person so critically situated as the Admiral.—Besides, his friends and adherents, who had exhibited such wicked proofs of political dexterity and address, would without doubt take infinite pains to impress upon the minds of the parties interested, that the issue of this trial would certainly be the means of expelling the Ministry, and that therefore *now* was the time to worship the Rising Sun* in the person of Mr. Keppel. But let the reasons be adduced, Why Sir Hugh Palliser should be restored to the full friendship and good opinion of his country.

1st, Because Admiral Keppel's reason for not renewing the engagement on the 27th July, seems to have no manner of weight. The Admiral was Commander of the *whole Fleet*, the ships of Sir

Hugh

* The Author of a *Short History of the Opposition*, p. 18, has the following applicable remarks on this subject. " Their abrogating the old forms of the Admiralty, by removing a trial for a naval offence to the land, to accommodate their own purposes, their appearance at Portsmouth upon the occasion, their biasing witnesses, their carrying all the indecencies of a play house audience into a Court of Justice, their soliciting the officers of the navy, their sowing discontents among the seamen, their parading the streets for the purpose of inflaming the populace, were such mean, scandalous, and unjustifiable tricks of faction, as can scarcely be paralleled in history."

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Hugh Palliser's division as well as the rest: and if there appeared to him any tardiness in Sir Hugh, it was his duty to have made, in proper time, the separate signals for the ships of the Vice Admiral's division, to come into his wake or into the line, and this soon enough to have renewed the engagement, if such was his intention.—The absence of Sir Hugh Palliser's ship could not be a sufficient reason for * declining this, as he was still on equal terms *at least* with the French, who had a ship towed out of the line during the engagement, being disqualified for carrying on the action.

2d, Because it is a never failing rule in a Court of Justice, for council who wish to come at the truth of any doubtful affair, always to enquire what any of the parties said, when the matter in dispute was *first mentioned*; knowing well, that the mind unguarded and unsuspecting of future events, is then the most likely to disclose the truth.—Adverting to this, surely there is more reason to believe what Mr. Keppel said (just after the action) of Sir Hugh Palliser, than what was some months afterwards insinuated against him, when Mr. Keppel had an evident interest in endeavouring to transfer the blame of the nation from himself upon others, and *who so proper as the supposed friend of an obnoxious Minister*. In regard to the private qualifying message, which the Admiral said he sent by Captain Falconer to Lord Sandwich, this message must have related to Captain Brereton who did not come into action at all, not to Sir Hugh Palliser, who fought his ship till she was a perfect wreck: the message was a lucky circumstance for the Commander in Chief, *admitting of two constructions*, and he did not fail to avail himself of it to its full extent. Besides we all know that the Admiral, three weeks after sent an official letter† to the
Lords

* To renew the action rested with the English Admiral, who had always the advantage of the wind after three o'clock.

† Addressed to Mr. Stephens, dated on board the Victory in Causand bay, 20th August, 1778. The words are, "I shall have great satisfaction in carrying the very same ships in quest of the enemy's fleet, that came into port with me; having the fullest confidence in the zeal, bravery, and exertion of every Officer in the fleet, as well as men serving in it."

Lords of the Admiralty, expressing his entire satisfaction with every officer of the fleet, and wishing no alteration to be made,

3d, Because if the language of truth be uniform and consistent, that of the Admiral was quite the reverse, being the language of the greatest duplicity: first he sent a letter to the Admiralty describing the action of the 27th July, in which he commended Sir Hugh Palliser *by name* for his spirited behaviour; at the same time he sent a message to Lord Sandwich to insinuate (as he would have us believe) a complaint against him: three weeks after this he wrote another letter to the Admiralty, praising all the Commanders and Officers of the Fleet, and wishing no alteration to be made; when behold! some months after he rose in the House of Commons and accused Sir Hugh Palliser of not having obeyed his signal, which was flying from a little after three o'clock in the afternoon till eight at night: this last assertion was also *untrue*, as appears by the signal book of the fleet.

4th, Because when the Commander in Chief first found fault with Sir Hugh Palliser, he does not seem to have known against what part of his conduct to have lodged a complaint. In the House of Commons he complained, that the Vice Admiral had not obeyed the signal for coming into the Admiral's wake, which he asserted was flying from three o'clock in the afternoon till eight at night, unobeyed; but this we find was not true; for it appears by Capt. Marshal's signal book, that it was hoisted at *24 minutes after three o'clock*, and was hauled down a few minutes after, and was not made again till *thirteen minutes after six*. Captain Marshal was the person appointed to repeat the Admiral's signals, kept an exact journal for that purpose, and is the only man in the fleet who could not err; besides, the Admiral on his trial gave him the fullest commendation for his accuracy and attention.

5th, Because it was evident that the friends of Admiral Kestel used every effort, and practised every art, to prevent Sir Hugh Palliser being brought to a trial, knowing full well that in such a situation, he would have it in his power to clear up and disperse many of the fatal prejudices that prevailed against him.

him. The *great* man, the Commander in Chief, dropt tears of pity whenever it was mentioned, and strenuously declared that he would not be his accuser; while a celebrated Orator in the House of Commons, with an unparalleled degree of meanness proposed, that the House should petition his Majesty to extend his bounty to the unfortunate Commander, and allow him to retire into privacy and peace.—Well might Lord Mulgrave say, many of the Minority were utter strangers to every military feeling: Did the Honourable Member of the House of Commons think, that any bounty of the Sovereign would make up for a forfeited reputation; or did he conceive that injured honour could rest in peace under imputed guilt?

6th, Because great stress was laid during the trial of Admiral Keppel on some errors in Log Books, when it has appeared on a careful examination, that the Victory's own Log Book abounds with errors of the first magnitude, and all of them tending to *aid* the Admiral's cause. The Victory's Log mentions their rate of sailing on the afternoon of the 27th July to have been *two knots* an hour, whereas Admiral Campbell says he *believes* it did not exceed *three*. The Victory's log falsely represents her to have lain to from *one* to *four* o'clock in the afternoon, and this falshood was acknowledged by the master on the late trial. Again the Victory's Log mentions, that the signals for the Prince George, Bienfaitant, &c. to chase the three French ships on the morning of the 28th, were made at *four* in the morning, and were called in at *nine*, which supposes them to have been chasing *five* hours; whereas it is notorious they were called in half an hour after the chasing signal was made.

7th, Because on the day of the engagement, the greatest part of the Vice Admiral of the Blue's division was ordered away from him, and he left to go into action alone and unsupported, a circumstance without precedent or example:—because the Commander in Chief did not appoint Frigates to watch the motions of the enemy's fleet in the night, and acquaint the Admiral if they attempted to go off;—because in the morning, when some of the enemy's ships remained in sight, *two hours* elapsed before orders were given to chase, and in *half an hour* these

these orders were recalled, lest it should have produced a general chase, which it was feared would have subjected the fleet to the dangers of a *lee shore*, though then at the distance of a hundred miles, and in the Summer season: all which circumstances excited the surprise and indignation of every good seaman, and of course that of Sir Hugh Palliser.

8th, Because, if as it was asserted, the Admiral had been waiting for Sir Hugh Palliser and his division the whole afternoon to re-engage; and so early as *half an hour after four* was become wearied with fruitless expectation, what was the reason that no enforcing signal was made, either for Sir Hugh Palliser or his division, till *thirteen minutes after six*; and even then the Admiral still continued to sail away, tho' the reason he assigned for sailing away at all, viz. the succouring his disabled ships, *had ceased at five o'clock*; and this sailing away he continued till eight at night, an hour when every idea of renewing the engagement is allowed to have been given up.

9th, Because the Admiral could not give any reason for sailing away at the rate of three knots and an half an hour after five o'clock, when he had accomplished the * supposed purpose of succouring his disabled ships: had he lain to after that hour, he would have prevented every possibility of cavilling, ambiguity, or doubt; as by this means all his disabled ships would have reached him, and among the rest the Formidable, which came out of the action a *perfect wreck*,† which sailed after the
Admi-

* This supposed purpose of the Admiral, of succouring his disabled ships, seems to have been effected in a very extraordinary manner: In an ADDRESS to ADMIRAL KEPPEL by a SEAMAN, we find, p. 64, as follows. "About five o'clock, the very time you say you had accomplished the protection of the disabled ships, the VENGEANCE, one of your own division, was laying about two miles astern of the VICTORY in a very disabled condition, and in imminent danger of being destroyed by the enemy. The disabled ships were in no danger, whilst the enemy continued so far astern, and the VICTORY with the ships about her between them: whereas the VENGEANCE with our own ships so far a-head, and the French near a-stern, must have been in a perilous situation."

† Admiral Keppel, when he perused an account of the damage sustained by the Formidable, declared in presence of Sir William Burnaby, that the Vice Admiral had suffered more than any ship in the Fleet.

Admiral with all the rags and slips of sail she could hoist; but being known to be a worse sailer than the Victory at all times and in all situations, must necessarily have been much more so on the day of action, having suffered so much more than any of the fleet: besides had the Admiral lain to, all his ships would have been much sooner refitted, as all hands might have been employed for that purpose alone, instead of being obliged to waste their time in plying after the Admiral with what sails they could spare. But the Commander in Chief did not ly to at all, though he will give no reason for his sailing away after five o'clock.

10th, Because it appears that the circumstances of the message sent by the Fox frigate have been misrepresented in the most shameful manner in point of time; all tending evidently to the purpose of accomplishing Sir Hugh Palliser's ruin.—Admiral Keppel asserted that he *sent the Message at 5 o'clock*. Captain Windfor who carried it, has sworn to the same effect. But they are flatly contradicted by the evidence of those whose duty it was to be the most correct, *viz.* the Captain and Officers of the repeating frigate, and also by the *written minutes of the Purser, taken when the signals were repeated*; evidence which Mr. Keppel could not dispute, after the great encomiums he so justly passed upon Captain Marshal for his extraordinary accuracy. If Captain Marshal, his two Officers, and the minutes in writing taken at the time are to be depended upon, more than other witnesses *speaking from their mere recollection*, the signal for the Fox to come within hail of the Victory to receive the message, was not *made till thirty two minutes after five*, that is, above half an hour after it is represented by Mr. Keppel to have been *delivered*. If Captain Marshal whose station was *three miles to windward of the Victory's beam* is to be credited, Captain Windfor could not have less than that distance to go, before he could come within hail of the Victory to receive the message, and must have been *half an hour in going to her*, and the written minutes put this beyond a doubt, as they take notice that the signal for the Fox was hauled down three minutes after six, as the message being then received the signal was no longer necessary. These facts together demonstrate, that the time of Ad-
miral

Admiral Keppel's sending the message was *not at five or a little before, but a little after six.*

The time of *delivering* the message sent by the Fox is misrepresented in the same extraordinary way as the time of *sending* it. Captain Windfor who carried the message, swore on Admiral Keppel's trial, that he came within hail of the Formidable, and delivered the message *nearly about half an hour after five; and being questioned on Sir Hugh Palliser's trial to the same point, he repeated the same words. But it has been already shewn that he did not receive the message till after six; and he allows himself half an hour to carry the message.* The Formidable has also been proved to have been three points on the Victory's weather quarter, and *three miles distant; and Captain Windfor acknowledges that to fetch the Formidable he made a circuit, going to leeward of all the ships of the centre division, which were formed astern of the Victory, and was forced to change his tack.* All this must have so increased the space he had to traverse, that, though he went *six or seven knots as he calculates, it must have taken up considerably more than an hour, before he could have reached the Formidable.* This corresponds with the account given by the officers of the Formidable, and postpones the time of delivering the message till *between seven and eight in the evening.* The truth of this is further ascertained by the circumstance of their not being able to bend the Formidable's fore top sail till a little before *eight, in doing which both Captain Windfor and Lieutenant Bertie observed them to be employed, whilst the Fox was near the Formidable.* Thus it appears from a variety of concurring circumstances, that a message sworn to have been delivered to Sir Hugh Palliser at *half past five, was not really delivered till half past seven.* How material the error of two hours in stating this message is, will strike every one who recollects, what an influence time has on the *supposed* import of the message. If the message was delivered at *half an hour after five, it might not have been too late to re-engage had such been the Admiral's intention: but at a quarter of an hour after seven in the evening, that is a quarter of an hour before the message reached Sir Hugh Palliser, it is confessed by Mr. Campbell to have been so late, that the Admiral had then given up all thoughts of re-engaging.*

11th, Because the memorable message sent by the Fox frigate to the Formidable, on which such stress has been laid, and which so nearly affected the life and honour of Sir Hugh Palliser; this message, on which so much of this important case hinged, was at the time of its delivery of so little importance to the Commander in Chief, that on his examination he declared, "he did not exactly recollect what his message was, but the purport of it must have undoubtedly been to call the Vice Admiral of the Blue; for he certainly then waited for nothing but the bringing up his division to go quickly to the French fleet." And a little after he says with respect to the same message; "at that time I was agitated, impatient, and warm, and being so, the message I delivered myself, I am no ways correct in; it was delivered in warmth. The expressions might not be so civil as I wished, for I dont wish to make use of improper words, I am sure; I was warm, therefore not remembering exactly, I dont trust to my own message at all. Admiral Campbell received my orders distinctly—I hardly remember what [they were; he remembers what they were." Nothing would more powerfully excite laughter than this very singular evidence, were we not restrained by a recollection of the great importance and magnitude of the subject to which it relates. Most certainly no court of justice in Europe would have laid the smallest stress on this celebrated message, after hearing the evidence given by the Commander in Chief.—It is a message of mere *shreds and patches*, and with great truth and justice did one of the officers of the Victory observe to another, that the Fox had just been dispatched with a trimming message to the Vice Admiral. Had the Commander in Chief been as much in earnest, and as strongly affected at the time of the delivery of this message, as he pretends to have been, it would have made an impression on his mind never to be obliterated. With respect to the delivery of the message, it is also attended with circumstances equally equivocal. Captain Windfor on the trial was with great propriety asked, if he had committed the Admiral's orders into writing: which though certainly a matter of the highest consequence, was not done.—Admiral Keppel said Admiral Campbell received his orders in regard to the message: Captain Windfor swears he received the orders from the Admiral himself. Captain Windfor being asked,

ed, if at the time of delivering the message, there was any noise, answered *none on board the Fox*; and Lieutenant Bertie in his evidence, declared there was the most perfect silence on board the Fox, but acknowledges that at the very time of delivering the message there was a *considerable noise* on board the Formidable; without straining the point at all in favour of the Vice Admiral, it is easy to be conceived that this *considerable noise* on board the Formidable, might have prevented the message being clearly or fully understood. In almost every contested point in this memorable business, the probabilities always turn out in favour of Sir Hugh Palliser: with respect to the cheering that happened at the delivery of the message, it is asserted by the witnesses in favour of the Commander in Chief, that the Formidable's people cheered first; but this is highly improbable; and it would appear that the Formidable's people were so busily employed in refitting the ship, that they took little or no notice of the Fox, till their attention was attracted by her *cheering*. Indeed to suppose that an Admiral's ship should be the first to cheer a frigate, seems as much contrary to form, as it would appear in a judge going into court, in all the paraphernalia of his office, to be the first to salute one of the inferior officers of the court.—On this subject also it may be worth observing, that great and important as was the right delivery of this message, yet it appears in evidence that the Fox was close to the Formidable only between two and three minutes,—a space of time hardly sufficient to settle so important a business as was the proper delivery and right understanding of that message.

12th, Because Sir Hugh Palliser was unjustly accused not only of not endeavouring all in his power to get into the line, but of not having repeated the Commander in Chief's signal for that purpose: on the contrary it has been proved by the witnesses * on the trial of the Vice Admiral, that he did repeat the signal

* See Sir Hugh Palliser's trial, p. 83. The evidence of Robert Hogart, the Midshipman appointed for the purpose of keeping account of the signals.

Quest. to Robert Hogart: Give an account to the Court what signals were repeated on board the Formidable, after the Victory passed to leeward of her in the afternoon of the 27th; begin with the first of them?

Ans. Immediately after the Victory passed to leeward of the Formidable, the

signal for that purpose, and even to so minute a circumstance as the Gunner having made a charge in his account for the gun fired on the occasion of the Vice Admiral repeating the signal, according to the custom established. It is also proved by the oath of the Gunner's Mate, who fired off the gun for that purpose.†

13th, Because it appears from the Evidence of many of the officers of the Fleet, that the manœuvres of the Admiral induced them to think that he did not intend to renew the action till the morning; and in his official letter the Admiral expressly declares the same: Now if we keep in remembrance this unerring truth, that what a man at first asserts on these occasions always claims the greatest degree of credit, his mind being then open and unguarded, and that what he afterwards may advance is generally the consequence of an after thought; if we keep this well founded remark in our view, the Admiral's declaration, that he did not intend to renew the action till the morning, must certainly have the greatest degree of weight. But if the Commander in Chief was really as anxious to renew the action as he asserted, what sufficient reason can be given, if he thought the Vice Admiral *tardy*, that he did not hoist some enforcing signal, to testify his disapprobation of his slow approach; at the same time notifying his strong and earnest desire that he should make more sail (*there are signals expressly appointed for that purpose*) but instead of this, no such signals were ever pretended to have been made; and when the particular signals for the other ships of Sir Hugh's division were made, *his was, entirely*

the Signal for the Line was repeated---That was kept up for some time and then hauled down---Then the blue flag was hoisted alone at the Mizzen peak; then that was hauled down, and the Signal for the Line hoisted again; and afterwards the blue flag was hoisted underneath the Signal for the Line, and the different ship's pendants thrown out, before the Fox hailed the Formidable.

† The Signal for the line on board the Formidable was observed by other ships of the Fleet, particularly the *America*, which was about half a mile astern.

Quest. to Lieut. Baird of the *America*. Was the signal for the line on board the Formidable, taken notice of on board the *America*?

Ans. Yes! I heard several say they saw it flying on board the Formidable, particularly the Master.

entirely omitted, the Admiral undoubtedly perceiving his disabled situation. Nor indeed could he fail to perceive this * “ as the want of the Formidable’s fore top sail from between “ four and five o’clock till sunset, afforded such an evident “ proof of her disability, as must have rendered any other in- “ timation totally unnecessary during that space.” But above all other considerations, if the Admiral’s earnest wish was that Sir Hugh Palliser should have joined him for the purpose of renewing the engagement, what reason can be assigned for his failing away all the evening at the rate of three knots an hour, as Admiral Campbell admits, when according to the Admiral’s own account, all cause for failing away had ceased at five o’clock, the time when he says he had succoured the disabled ships, which purpose was the only plea he ever alledged for failing away at all: to continue to fail after five o’clock, not only prevented the disabled ships from joining him, but must have greatly protracted their refitting, as it is obvious their failing after the Admiral with † what sails they could muster, must have greatly retarded that work. It doubtless holds good in every other business in life, that whoever is willing that any particular purpose should take place or prove successful, will certainly aid and assist the accomplishment of that purpose with his best endeavours, which must have been expected of Mr. Keppel by shortening sail, for such ships of the fleet, as by the damage they had sustained were incapable of keeping up with him.

14th, Because the charge alledged against the Vice Admiral of being blameable in not having shifted his flag, seems altogether

* Address to Admiral Keppel, 2d edit. p. 93.

† “ As I find that the Formidable followed the Victory all the afternoon “ under her courses, main and mizen top sails, I hesitate not to say, that “ considering her condition, he carried a great deal of sail: the reason why “ that quantity of sail did not enable her to get into her station in the line, “ will be pretty clearly expressed by the following inversion of the questions “ put to the Master of the Victory by a Member of the Court Martial. “ Quest. Suppose you in the Formidable going three knots and an half, and “ a ship a head which you are steering after, gradually increasing her dis- “ tance from you, do you not think that ship which evidently sails faster “ than you do in the Formidable, must go more than three knots and an “ half? Ans. I do Sir.” Address to Admiral Keppel, 2d edit. p. 95.

ther groundless and unreasonable, as no one motion of the Commander in Chief could induce him to believe or imagine his intention was to renew the engagement the evening of the 17th July: The firing had been long over, the signal for battle hauled down, and the British fleet, *instead of advancing to the enemy, had wore and were standing away from them*; what possible reason can be adduced for the Vice Admiral shifting his flag under these circumstances. Had the Commander in Chief been *advancing* to the enemy, the charge might be brought with propriety and justice; in *sailing away* from the enemy all the afternoon and evening, faster than many of his ships could follow him, seems to be so cogent a reason against any necessity for Sir Hugh Palliser to have shifted his flag, as to render the charge altogether frivolous and absurd: for, it cannot be supposed that the Vice Admiral ought to have shifted his flag, merely because the Victory went *faster* from the enemy than the Formidable could follow her.

15th, Because if a man, who in the heat of action behaved with the greatest gallantry, and in the most *exemplary and meritorious manner*,* who fought his ship till she was reduced to a *perfect wreck*, who was the last in the action, suffered the most in the action, and did not desist while fighting was *permitted him*: if such a man, to whom the more generous spirit of the Ancients would have decreed public honours and rewards, were to fall a sacrifice to party rage, and to be treated as an enemy to the state, who was the most anxious to serve the state, the Navy of England which was heretofore its glory and its boast, must be hastening with quick steps to inevitable ruin:—nor must we any longer hope to see other *Blakes* and *Russels* arise, when the only powerful incentive to glory is withdrawn—the merited honours, and applause of a grateful people.

Edward, and Henry, now the boast of Fame!
And virtuous Alfred, a more sacred name!

After

* It appears that such was the zeal of the Vice Admiral to get ready to renew the engagement, that on board the Formidable the utmost exertions were used, infomuch that they were allowed hardly a minute for necessary refreshment, till the ship was in a condition to take her place in the line.

After a life of gen'rous toils endur'd,
The *Gaul* subdu'd, and property secur'd,

Clos'd their long glories with a sigh, to find,
Th' unwilling gratitude of base mankind.

THE END.



